IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Crl.Rev.Pet.No. 996 of 2005-D

CRA.375/2004 of V ADDL.SESSIONS COURT, ERNAKULAM
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REVN. PETITIONER: APPELLANT/ACCUSED

K.K.SUHARA, W/O. ABDULLA, RESIDING AT C.C.5/38 POTHEN BUILDINGS, BAZAR ROAD, MATTANCHERRY, KOCHI-2.

BY ADV. SRI.TOM JOSE

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE
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1. P.M.ANWAR S/O. MOIDEEN RESIDING AT C.C.14/1570-H, CHULLICKAL, KOCHI-5.

2. STATE OF KERALA RESIDING AT THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.SHAIJAN C.GEORGE
SRI.JOHN VIPIN
R2 BY PUBLIC PROSECUTOR MR. C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.A. NO. 4930/2005 IN CRL.R.P.NO. 996/2005

DISMISSED.

12-3-2007 SD/-K.R.UDAYABHANU, JUDGES

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.996 of 2005

DATED THIS THE 12th day of March 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to undergo simple imprisonment for three months.

On a consideration of the evidence adduced in the matter, I find no reason to interfere. As to the execution of the cheque, PW1, the complainant has testified. There is no contra evidence. The statutory presumptions stand unrebutted. All the same, the sentence is modified to imprisonment till the rising of the court and the rest of the sentence is confirmed. The revision petitioner shall appear before the Judicial First Class Magistrate-II, Kochi on 12-6-2007 to receive sentence. The revision petitioner is granted three months time to pay the amount of compensation. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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